

# Exhibit 32

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*  
Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To  
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.  
Local Rule 56.1 Statement of Undisputed Material Facts  
in Support of Their Motion For Summary Judgment

Aug 29/95 cr

1996 PERFORMANCE APPRAISALEdward Tupa

Mr. Tupa has given his complete support to the development of the Performance Project with implementation scheduled for January 1997. He has enhanced the Vision and Leadership program by a variety of activities that have extended to relationships with various BIPi employees, particularly in marketing, regarding the launch of our generic Ipratropium UDVs, and the Medical Department with Viramune®.

My opinion is that he has supported the endeavors of BISC despite some disappointments with the quality of some of the services (justifiable as far as I'm concerned). Mr. Tupa has utilized the services now becoming available at the Business Unit level particularly market research and is looking forward to an escalating relationship with Managed Care and Information Systems.

Both the launches of Ipratropium UDV and Viramune were done extremely well, and very professionally. The USA distribution system responded with above average stocking and support.

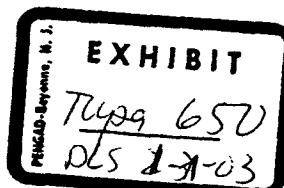
Although there was a delay on the approval of the SBU reorganization (the organizational realignment was not concluded on schedule as I am told), the organogram is now developed and recruitment is going forward to fill the slots currently vacant.

Mr. Tupa actively supported, and of course contributed, to the development of the Company (Roxane) Strategic Plan, on schedule (May 31st). One of the outcomes of the process was the definition of certain Strategic Imperatives. This resulted in establishing teams to improve service levels and establish specific, related, objectives for the business development function (among others). In both cases, he has provided the essential input expected and necessary from the Sales and Marketing Department.

He has developed a closer bond between Roxane and our distribution channels, and in the case of Ipratropium UDVs, launched new activities with Home Health Care organizations. He added a new member (Waterer) to his staff to develop new programs for distributors, and is in the process of recruiting for the position of Director, Trade and Pharmacy Affairs which will focus greater attention on this critical aspect of both the BIPi and Roxane businesses.

All of the activities in both the sales and marketing arms of his Department certainly appear to be better organized and more productive than in the past.

Mr. Tupa deserves the maximum incentive payment.



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